

REMARKS/ARGUMENTS

The Office Action mailed June 24, 2005 has been reviewed and carefully considered. Claims 1-19 and 68-75 are canceled. Claims 20 and 57 are amended. Claims 86-89 are added. Claims 20-67 and 76-89 are pending in this application, with claims 20, 57, 78, and 83 being the only independent claims. Reconsideration of the above-identified application in view of the above amendments and the following remarks is respectfully requested.

Claims 20-22, 24, 48-50, 52, 57-58, and 76-77 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent 5,789,022 (Kustermann) in view of U.S. Patent No. 4,072,772 (Franz) and further in view of U.S. Patent No. 6,063,450 (Bernert).

Claims 23, 30-34, 36-40, 42-46, 51, 54-56, 61-62, and 64-65 stand rejected under 35 U.S.C. §103 as unpatentable over Kustermann, Franz and Bernert in view of various other references.

Claims 78-85 are allowed. Claims 25-29, 35, 41, 47, 53, 59-60, 63, and 66-67 were found to contain allowable subject matter and would be allowable if rewritten in independent form. The rejections are traversed in view of the following amendments and remarks.

Independent claim 20 is amended to recite "forming jets of the treating agent by directing the treating agent through openings in at least one nozzle plate, the jets being formed solely by the openings in said at least one nozzle plate". Support for this limitation is found at page 5, line 36-37 and in Fig. 1. Independent claim 20 is also amended to clarify that the jets are separated at the exit of the nozzle plate. This is described on page 36, lines 36-38.

As stated in MPEP §2143, to establish a *prima facie* case of obviousness, three basic criteria must be met. One of the criteria is that the prior art reference (or references when

combines) must teach or suggest all the claim limitations. It is respectfully submitted that neither Kundermann, Franz, nor Bernert discloses the above limitation.

The Examiner acknowledges that Kundermann fails to teach or suggest forming jets in openings in at least one nozzle plate, the entire peripheries of said openings being defined by said at least one nozzle plate, and alleges that Franz discloses this. The Examiner and Applicant's undersigned representative discussed the Franz reference on September 22, 2005. The Examiner pointed out that in Fig. 9, the tube 278 is recessed in the hole 280. The Examiner further pointed out that col. 11, lines 21-30 of Franz disclose that the end of the tube should be flush or slightly recessed. The Examiner alleges that Franz discloses that the holes in the nozzle plates form the jet. However, the portion of the Franz patent referenced by the Examiner indicates that either the tube 278 alone (when the end of the tube is flush) or the tube 278 and the hole 280 (when the tube is slightly recessed) are used to form the jet. This is the case because Franz teaches that if the tube is recessed to far, the spray does not provide a desirable curtain. Since Franz discloses that either the tube 278 alone or the tube 278 and the hole 280 form the jet, Franz discloses that the periphery of the hole 280 which forms the jet is defined by either the tube 278 alone or the tube 278 and the hole 280. Accordingly, Franz fails to teach or suggest "the jets being formed solely by the openings in the at least one nozzle plate", as expressly recited in independent claim 20.

Bernert fails to teach or suggest what Kundermann and Franz lack. Bernert discloses that jets of a fluid to be applied are formed through a nozzle 12, which is clearly not a hole in a nozzle plate.

In view of the above remarks, it is respectfully submitted that independent claim 20 is allowable over Kundermann, Franz, and Bernert.

Independent claim 57 recites "jets of the treating agent are formed solely by said openings in said at least one nozzle plate". Since neither Kundermann, Franz, nor Bernert disclose that jets of a fluid are formed solely by openings in a nozzle plate, as described above, independent claim 57 is also allowable over Kundermann, Franz, and Bernert.

Dependent claims 21-56, 58-67, 76-77, and 86-89, each being dependent on one of independent claims 20 and 57, are deemed allowable for at least the same reasons as are independent claims 20 and 57, as well as for the additional recitations contained therein.

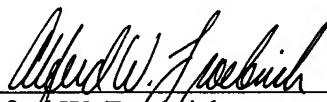
New claims 86 and 88 recite that the holes in the screen plate are smaller than the openings in the nozzle plate. Support for these claims is found at page 5, lines 21-23. Claims 87 and 89 recite that the treating agent is fed from a feed channel through a first boring to the feed chamber, through the screen plate and a second boring and then to the nozzle plate, wherein a pressure drop occurs at each of the first boring, the screen plate, and the second boring. Support for these limitations is found on page 9, lines 15-25. It is respectfully submitted that the prior art fails to teach or suggest these limitations.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 
Alfred W. Froeblich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: October 24, 2005